IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21996 of 2004

Between:

K. Padmavathi W/o Purushotham
Nerrimetla Village, Uravakonda Mandal, Anantapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Anantapur
2 The Mandal Revenue Officer, Uravakonda, Anantapur District
3 The Joint Collector, Anantapur

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents 1 and 2 in not allotting the essential commodities to the petitioner fair price shop though the authorization is subsisting up to 31-3-2006 as illegal, improper unjust arbitrary and further declare the directions issued by the third respondent to the first respondent that he can terminate the dealership of the petitioner as illegal, improper unjust arbitrary

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a Fair Price Shop Dealer. Her authorization was suspended by the 1st respondent through proceedings, dated 16.08.2004. Aggrieved thereby, she preferred an appeal before the Joint Collector, 3rd respondent. The appeal was allowed through order, dated 18.11.2004, and the order of suspension was set aside. Petitioner complains that even after the 3rd respondent had allowed the appeal, respondents 1 and 2 are not issuing commodities to him for supply in the fair price shop.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The appeal preferred by the petitioner against the order of suspension of her authorisation was allowed by the 3rd respondent. With that there does not exist any impediment for the petitioner to receive the supplies from respondents 1 and 2. If the respondents 1 and 2 have not chosen to release the supplies to the petitioner, even after the orders passed by the 3rd respondent are communicated, in a way it amounts to insubordination. This Court is of the view that the omission on the part of the respondents 1 and 2 to release the commodities to the petitioner may have been on account of lack of communication of the orders in the appeal.

The writ petition is accordingly disposed of directing respondents 1 and 2 to resume supplies to the petitioner, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 1st December, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Revenue Divisional Officer, Anantapur
2 The Mandal Revenue Officer, Uravakonda, Anantapur District
3 The Joint Collector, Anantapur

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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